

## Donna M. Hughes

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### Women's Wrongs

Repealing prostitution laws won't help anyone.

**A**t the polling booth this year, Berkeley residents will have a unique voting choice: Yes or no to the decriminalization of prostitution.

Decriminalization means the repeal of measures that outlaw prostitution, soliciting, pimping, pandering, and brothels. Although the vote will take place only in the city of Berkeley, the decriminalization campaign's ultimate goal is the repeal of California state laws on prostitution and related offenses.\*\*

Decriminalization is a more extreme measure than legalization. Legalization would mean the regulation of prostitution with laws regarding where, when, and how prostitution could take place. Decriminalization eliminates all laws and prohibits the state and law-enforcement officials from intervening in any prostitution-related activities or transactions, unless other laws apply.

If Measure Q, as it is called on the ballot, passes, Berkeley will have to do the following: 1) make enforcement of prostitution laws the lowest priority for the Berkeley Police Department; 2) set the city of Berkeley in opposition to state prostitution laws and direct the Berkeley City Council to lobby for the repeal of prostitution laws in the state of California; and 3) require the Berkeley Police Department to report semi-annually to the City Council and Police Review Commission on the enforcement of prostitution laws.

The decriminalization campaign is being led by Robyn Few of the [Sex Workers Outreach Project](#). Few was arrested by the FBI and pleaded guilty in 2002 to a federal charge of conspiracy to promote prostitution in connection with a multi-state prostitution ring. At the time, she was also working for Americans for Safe Access, a group advocating the legalization of marijuana. Few said at a recent conference entitled "Prostitution, Sex Work, and the Commercial Sex Industry" that she was shocked and hurt that marijuana activists subsequently disowned her; after all, she thinks both activities should be decriminalized, so why should one group of people involved in illegal activities discriminate against another? She said she got her revenge by marching topless in a San Francisco gay parade with a sign that read "Sex Workers for Medical Marijuana."

Few's personal background is, tragically, typical for a woman in the sex industry: incest, child abuse, runaway (at age 13), high-school dropout, domestic violence, rape, and stripping — all before she entered prostitution. Few presents herself as a sex worker and an activist for sex workers' rights, but there is one little problem: Her conviction wasn't for soliciting, it was for a federal pimping offense. It therefore stretches credibility to say she is working on behalf of women in prostitution.

Few and her friends have received guidance from a visiting adviser from the Australian sex industry, where prostitution is legal in several states. The Australian activist is helping groups in various cities in the U.S. organize efforts to decriminalize prostitution. They selected Berkeley as their first venue, not only for its liberal voters but also because they needed just 2,100 signatures to get the measure on the ballot. Few said that only one out of twelve people they approached signed the petition, but they had great fun "being irreverent" and setting up tables decorated with "balloons with boobs on them."

While Few and friends may be giddy from their in-your-face politics, city officials worry about what the effects of Measure Q would be if it passes. The city manager prepared an impact report that states that if the ordinance passes it will likely increase crime and community complaints in the following ways: 1) Berkeley could become the Bay Area's prostitution center, attracting prostitutes and "johns" (the men who pay for sex acts); 2) the number of robberies, sexual assaults, thefts, batteries, and disturbing-the-peace calls would increase, as would the amount of litter; 3) the exploitation of women and children would increase; 4) rates of sexually transmitted diseases, tuberculosis, and hepatitis would increase; 5) the police department's enforcement activities would be limited; 6) the quality of life in neighborhoods of increased prostitution would decrease; 7) drug activity in houses that cater to prostitutes and pimps would increase; 8) the incidents of violence against prostitutes, such as assault, battery, rape, robbery, kidnap, and murder would increase; and 9) businesses in commercial districts whose customers would stay away due to increasing prostitution and crime would be harmed. The impact report was a sweeping condemnation of decriminalization.

Campaigners for Measure Q try to sell the initiative as promoting women's rights, claiming that decriminalization will end the stigma against prostitutes and enable them to integrate into society as "sex workers." This is utopian thinking that has no basis in the reality of the lives of women in prostitution — women who are defined by how men can and do use them.

What Measure Q activists don't talk about is the impact of decriminalizing the activities of "johns," pimps, panders, and brothel owners. At a recent conference on prostitution at the University of Toledo, decriminalization advocate Norma Jean Almodovar of the International Sex Worker Foundation for Art, Culture and Education said: "I don't want to arrest clients. They give me money!" Almodovar is another activist who claims she is working for the rights of women, but like many decriminalization activists, she too is protecting the money stream flowing from customers to the pimps and bosses of the sex industry.

Supporters of Measure Q claim that decriminalization of prostitution will decrease the violence against prostitutes. Women and children in prostitution do suffer from extreme violence. [Research I've done with Janice Raymond](#) of the Coalition Against Trafficking Women found that the majority of women in prostitution have been physically assaulted and raped, often multiple times, by "johns" (86 percent were physically assaulted, 80 percent were sexually assaulted, and 65 percent had weapons used against them). Removing the penalties against pimps and men who purchase sex acts will not cause them to be less violent.

Presently, prostitution is on the rise in Berkeley, as it is in many cities and towns across the U.S. The impact report says that from 2002 to early 2004 there was a 57-percent increase in calls for police service regarding prostitution. Police data show that Berkeley police are arresting an increasing number of underage girls for prostitution, some as young as 13. Decriminalization would escalate these trends.

Women and children in prostitution do need assistance. According to research by Melissa Farley, a clinical and research psychologist and director of [Prostitution Research and Education](#) in San Francisco, 89 percent of women in prostitution want out, but are trapped by violence, addictions, and hopelessness. Decriminalization of the sex trade will do nothing to help them escape; instead, it will ensnare them more tightly.

Passage of Measure Q will make Berkeley a prostitution capital and a destination city for sex tourists and trafficked women and children. Defeating Measure Q will send a clear message that prostitution and the harm it does to women, children, families, and communities are not wanted in Berkeley. Doing otherwise would send a troublesome one.

\*\*Measure Q aims to repeal portions of the following Sections of the California Penal Code: 266, 266d, 266e, 266f, 266h, 266i, 315, 316, 318, 647, 653.20, 653.22, 653.23 and 653.28, which criminalize prostitution-related activities among or between adults.

— *Donna M. Hughes is professor and Carlson Endowed Chair in Women's Studies at the University of Rhode Island.*

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